



COLORADO

Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

PROGRAM: RETAIL FOOD

EFFECTIVE REGULATION: *Colorado Retail Food Establishment Rules and Regulations, July 1, 2013*

INTERPRETIVE MEMO NO.: 16-01

DATE: March 31, 2016

SUBJECT: Exemption of Breweries, Distillers and Wineries from Licensure as a Retail Food Establishment

There have been inquiries whether breweries, distillers or wineries that operate a tasting room or tap room are required to obtain a Colorado Retail Food Establishment License. The Colorado Department of Revenue (DOR), Liquor Enforcement licenses these types of facilities as a manufacturer, wholesaler. Under this license they allow tasting rooms/tap rooms and direct sales to the public. DOR issues a variety of different liquor licenses that require the service of food and allow varying methods to meet the food service requirements of that license. Any of the following activities within these facilities trigger the need to obtain a retail food license:

- Storing and/or providing prepackaged foods for customers that are potentially hazardous¹; and
- Engaging in food preparation activities. (The dispensing of ice, garnishing of drinks, or associated ware washing are not licensing triggers for these types of facilities)

Facilities that serve beer, wine or distilled products at the point of production (i.e. brewery, distillery or winery) are not required to hold a retail food establishment license if none of the above activities are occurring. If a facility fits into this category and currently holds a retail food license ongoing licensing activities must be discontinued.

25-4-1601 C.R.S. provides CDPHE's authority for the uniform statewide administration, implementation, interpretation, and enforcement of *The Colorado Retail Food Establishment Rules and Regulations*. This interpretive memo is issued in accordance with this authority and CDPHE expects its contents to be implemented uniformly.

All previous interpretive memoranda issued pertaining to this subject are hereby superseded as of the effective date above.

Jeff Lawrence, Director
Division of Environmental Health and Sustainability

¹ Potential hazardous foods are those food items that require refrigeration ($\leq 41^{\circ}\text{F}$) or hot holding ($\geq 135^{\circ}\text{F}$) to maintain food integrity.

